

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ANTHONY MENDES  
AND DORIS MENDES,

Plaintiffs,

v.

CENDANT MORTGAGE,

Defendant.  
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) C. A. No.: 05-11765-DPW  
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**JOINT MOTION TO AMEND SCHEDULING  
ORDER AND CONTINUE STATUS CONFERENCE**

Plaintiffs, Anthony Mendes and Doris Mendes, and Defendant, PHH Mortgage Corporation, f/k/a Cendant Mortgage Corporation, hereby move to amend the Court's scheduling order to provide for the following deadlines: (1) Rebuttal Expert Disclosures: September 22, 2006; (2) Summary Judgment Motion To Be Filed: September 22, 2006; (3) Opposition To Motion For Summary Judgment To Be Filed: October 13, 2006; and (4) Expert Discovery To Be Completed: October 23, 2006.

As grounds for this motion, the parties state as follows. Pursuant to the current scheduling order, as amended on June 2, 2006, Plaintiffs were to serve their expert reports on July 7, 2006, and the deadline by which Defendant was to file a summary judgment motion was August 25, 2006. Plaintiffs, however, did not serve their expert disclosures until the end of July, on Friday, July 28, 2006, with Defendant's consent.

Pursuant to the Court's original scheduling order, Defendant was to have 30 days from receipt of Plaintiffs' expert reports to prepare rebuttal reports and a motion for

summary judgment, or until the end of August, based on Plaintiffs' service of their expert reports on July 28, 2006. However, the service of Plaintiffs' expert disclosures (1) came just before Defendant's counsel started a bench trial in the Massachusetts Land Court that ran from Thursday, August 3, 2006, to Wednesday, August 9, 2006, which trial is scheduled to resume on September 11, 2006 and continue through September 14, 2006; and (2) Defendant's counsel's approximately 2-week summer vacation. Accordingly, the parties have agreed that Defendant may have until September 22, 2006, to serve a summary judgment motion and prepare expert rebuttal reports.

The parties further move that the Court continue the status conference currently scheduled for September 28, 2006 to on or about November 3, 2006.

WHEREFORE, the parties request that the Court allow this Joint Motion and amend the current scheduling order as described above.

PHH MORTGAGE CORPORATION,  
f/k/a Cendant Mortgage Corporation

By its attorney

/s/Andrew Keith Goldstein  
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ANTHONY AND DORIS MENDES,

By their attorney,  
LAW OFFICE OF CHRISTOPHER J.  
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Dated: August 15, 2006